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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,233	10/11/2001	Teruyuki Motohashi	P/2041-64	9575

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EXAMINER

DAO, MINH D

ART UNIT PAPER NUMBER

2682

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,233

Applicant(s)

MOTOHASHI, TERUYUKI

Examiner

MINH D DAO

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/07/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/07/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki (US 5,689,813) in view of Kosaka (US 6,687,515).

Regarding claim 1, Seki teaches a portable communication terminal with an transmission function (see fig. 1, Radio Apparatus 1), comprising: reception electric field intensity detection means for detecting a reception electric field intensity of the portable communication terminal (see fig. 1, Field Electric Intensity Detector 104; col. 2, lines 61-67); and reception electric field intensity transmission means for transmitting a reception electric field intensity representative of the detected reception electric field intensity to the opposite party of communication (col. 3, lines 10-23). However, Seki fails to teach that the portable communication terminal has an image transmission function for transmitting an image. Kosaka, in an analogous art, teaches a portable communication device capable of transmitting images (see fig. 1; col. 1, lines 31-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was

made to provide the teaching of Kosaka (a portable communication terminal has an image transmission function for transmitting an image) to Seki for the benefit of providing user with an option to instantly capture and send image of an event.

Regarding claim 2, the combination of the teachings of Seki and Kosaka teaches a portable communication terminal with an image transmission function as claimed in claim 1, further comprising reception electric field intensity transmission setting means for setting whether or not the reception electric field intensity image should be transmitted (Reference Seki, col. 5, lines 20-37).

Regarding claim 4, the combination of the teachings of Seki and Kosaka teaches a portable communication terminal with an image transmission function as claimed in claim 3, further comprising communication quality alarm transmission setting means for setting whether or not a communication quality alarm image should be transmitted (Reference Seki, col. 5, lines 20-37).

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seki (US 5,689,813) in view of Kosaka (US 6,687,515), and further in view of Raith et al. (US 6,073,005).

Regarding claim 3, the combination of the teachings of Seki and Kosaka teaches the limitations as that of claim 1, but does not mention a method of transmitting a

communication alarm image. Raith, in an analogous art, teaches this limitation (see col. 6, lines 64-67; col. 7, lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide Seki and Kosaka with method of transmitting an alarm image in order to inform the user that there is a emergency call in progress for the benefit of alarming the user that an emergency announcement is on the way.

Allowable Subject Matter

3. Claims 5-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 5, the combination of the teachings of Seki and Kosaka teaches the limitations as that of claim 1. However, the combination fails to teach that A portable communication terminal with an image transmission function as claimed in claim 1, further comprising an image pickup section for picking up an image, and wherein the reception electric field intensity image transmission means transmits the reception electric field intensity image together with an image picked up by the image pickup section. As specified in the claim.

Response to Arguments

4. Regarding claim 1, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation for combining Seki and Kosaka is that to provide the teaching of Kosaka (a portable communication terminal has an image transmission function for transmitting an image) to Seki for the benefit of providing user with an option to instantly capture and send image of an event.

5. Regarding claim 2, applicant argues that Seki does not teach a setting means for setting whether or not the reception electric field intensity should be transmitted. Examiner disagrees. Seki, in col. 5, lines 20-37, teaches a threshold level to allow communication to allow communication to be held, and Seki also clearly explains that at each level whether or not the communication can take place. This limitation, therefore, combined with Kosada reads on the limitation of claim 2.

6. Regarding claim 4, applicant argues that Seki does not teach a setting means for setting whether or not the communication quality alarm should be transmitted. Examiner disagrees. Seki, in col. 5, lines 20-37, teaches a threshold level to allow communication to allow communication to be held, and Seki also clearly explains that at each level whether or not the communication can take place. In addition, Seki would warn that the user is "out-of-range" for communication. This limitation, therefore, combined with Kosada reads on the limitation of claim 4.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN C CHIN can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao *MD*
Art Unit 2682
April 12, 2005


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